

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GEORGE KEETON,)	CASE NO. 1:05CV0033
)	
PETITIONER,)	
)	
v.)	JUDGE PETER C. ECONOMUS
)	
MARGARET BRADSHAW,)	
Warden,)	
)	
RESPONDENT.)	MEMORANDUM OPINION
)	AND ORDER

On January 7, 2005, Petitioner George Keeton, (“Petitioner”) filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his criminal conviction. This case was referred to Magistrate Judge Nancy A. Vecchiarelli for preparation of a report and recommendation pursuant to 28 U.S.C. § 636 and LR 72.1 (Dkt. # 4). On July 20, 2006, Magistrate Judge Vecchiarelli filed a report recommending that Petitioner’s application for habeas corpus be granted in part, with respect to Ground Two, and denied in part on the remaining grounds. (Dkt. # 22). The Magistrate further recommended that the case be remanded for re-sentencing consistent with Blakely v. Washington, 542 U.S. 296 (2004) and State v. Foster, 109 Ohio St.3d 1 (2006). (Dkt. # 22).

On July 24, 2006, Respondent Margaret Bradshaw (“Respondent”) filed partial objections to the Magistrate Judge’s report and recommendation. (Dkt. # 23). On August 25, 2006, Petitioner filed his objections to the Magistrate Judge’s recommendation. (Dkt.

25). The Court has reviewed the report and recommendation of the Magistrate Judge, *de novo*. The Court finds that the report and recommendation (Dkt. # 22) is well-supported and that the objections are without merit. Therefore, Magistrate Judge Vecchiarelli's report and recommendation is hereby **ADOPTED** and the objections are overruled.

Accordingly, Petitioner's Writ of Habeas Corpus is **GRANTED in PART** with respect to Ground Two, and **DENIED in PART** on the remaining grounds. Furthermore, this case is **REMANDED** to the Court of Common Pleas, Richland County, Ohio, for resentencing consistent with Blakely and Foster. Finally, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus - September 8, 2006
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE